

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-16 are pending in this application. Claims 1, 6, 11, 12, 13, and 15 are independent. Claims 1, 6, and 11-16 are hereby amended. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §112

Claims 14 and 16, which were rejected under 35 U.S.C. §112 as allegedly indefinite, have been amended, obviating the rejection.

III. REJECTIONS UNDER 35 U.S.C. §102 and §103(a)

Claims 1, 3, 6, 8, 11, 12, 13, and 15 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,330,494 to Yamamoto (hereinafter, merely “Yamamoto”)

Claims 2, 7, 14, and 16 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yamamoto in view of U.S. Patent No. 6,902,015 to Furuta, et al. (hereinafter, merely “Furuta”)

Claims 4 and 9 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yamamoto in view of U.S. Patent No. 6,463,356 to Hattori, et al. (hereinafter, merely “Hattori”)

Claims 5 and 10 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Yamamoto in view of U.S. Patent No. 5,349,277 to Takahashi, et al. (hereinafter, merely “Takahashi”)

IV. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

“...wherein the safety level of the detected safety level status is determined by comparing the detected safety level status to a plurality of threshold values and grouping the detected safety level status as a function of the comparison result,

wherein the safety level is a function of a capability of a joint angle, a timing of a potential risk, and available countermeasures...” (emphasis added)

As understood by Applicants, U.S. Patent No. 6,330,494 to Yamamoto (hereinafter, merely “Yamamoto”) relates to detecting that the posture of the system main body has been shifted from the normal posture into an abnormal posture on the basis of the acceleration information obtained by the detection output of the acceleration sensor.

Applicants submit nothing has been found in Yamamoto that would teach or suggest the above-identified features of claim 1. Specifically, claim 1 recites that the safety level is a function of a capability of a joint angle, a timing of a potential risk, and available countermeasures. Indeed, the present claim requires: 1). a capability of a joint angle; 2). a timing of a potential risk and 3). available countermeasures. Applicants submit that at least these three elements distinguish claim 1 from the prior art.

Therefore, claim 1 is patentable. Claims 6, 11, and 12 are also patentable for similar or somewhat similar reasons.

Claim 13 recites, *inter alia*:

“...wherein said control means moves said movable units as a function of said safety level and said action determined by said action determination unit in order to mitigate or avoid danger,

wherein the safety level is a function of a capability of a joint angle, a timing of a potential risk, and available countermeasures...” (emphasis added)

Applicants submit nothing has been found in Yamamoto that would teach or suggest the above-identified features of claim 13. Specifically, claim 13 recites that the safety level is a function of a capability of a joint angle, a timing of a potential risk, and available countermeasures. Indeed, claim 13 requires: 1). a capability of a joint angle; 2). a timing of a potential risk and 3). available countermeasures. Applicants submit that at least these three elements distinguish claim 13 from the prior art.

Therefore, claim 1 is patentable. Claim 15 is also patentable for similar or somewhat similar reasons.

V. DEPENDENT CLAIMS

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.


CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, it is respectfully requested that the Examiner specifically indicate those portions of the reference providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Thomas F. Presson
Reg. No. 41,442
(212) 588-0800